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# Frost Brown Todd, LLC

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October 7, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Application: 10/758,613  
Filed: January 15, 2004  
Applicants: Omar, Ruupak Nanyamka  
For: Novelty Articles for Famous Persons and Method for Making Same  
Atty Ref.: 0103281 - 0515640

Dear Commissioner:

Enclosed please find the following papers for the above-referenced patent application:

1. Information Disclosure Statement;
2. Response to Restriction Requirement;
3. Self-addressed, prepaid return postcard.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 06-2226.

Respectfully submitted,

FROST BROWN TODD LLC

  
Victor C. Moreno (Reg. No. 40,732)

VCM/cme  
Enclosures

Certificate of Mailing

The undersigned certifies that this correspondence was deposited with the U.S. Postal Service with sufficient postage as first class mail and addressed to "Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450" on October 7, 2004.

CinLibrary 0103281.0515640 1441619v.1



## PATENTS

### UNITED STATES PATENT AND TRADEMARK OFFICE

Application: 10/758,613

Examiner: Cegielnik, Urszula

Filed: 01/15/2004

Art Unit: 3712

Inventor: Omar, Ruupak Nanyamka

Atty Ref.: 0103281 - 0515640

Title: **Novelty Articles for Famous Persons and Method for Making Same**

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### RESPONSE TO RESTRICTION REQUIREMENT

This paper is being filed in response to the Restriction Requirement mailed on September 8, 2004.

Applicant traverses the restriction requirement because the claims are not independent or distinct. The statutory basis for a restriction requirement reads as follows:

If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions.

35 U.S.C. § 121 (emphasis added). Thus, the PTO may restrict an application only if the claimed invention satisfies both requirements (i.e., both independent and distinct). The Office Action only states that the claimed invention is distinct, but does not address the other requirement that the claims be independent. In the present case, Applicant submits that neither requirement is met.

The claims are not "independent" (i.e., not dependent) under 35 U.S.C. § 121. Namely, the claims disclose a relationship between the two or more subjects disclosed, that is, they are connected in design, operation, and effect. MPEP 802.01 give two examples of how claims can be "independent"; namely, (1) species under a genus which species are not usable together as disclosed; or (2) process and apparatus incapable of being used in practicing the process. Neither case exists here.

The claims also are not "distinct" under 35 U.S.C. § 121. MPEP 802.01 defines "distinct" as meaning that two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed, and are patentable (novel and unobvious) over each other (though they may each be unpatentable because of the prior art). The present claims do not disclose

two or more subjects, but rather disclose a single subject. Thus, the claims are not distinct.

Based on the foregoing, Applicant's request reconsideration and withdrawal of the restriction requirement.

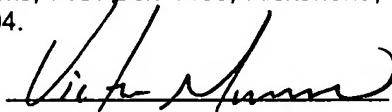
The Applicants provisionally elect to prosecute Group II (claims 9 - 22).

Respectfully Submitted,

  
Victor C. Moreno (Reg. No. 40,732)  
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PATENTS

UNITED STATES PATENT AND TRADEMARK OFFICE

Application: 10/758,613

Examiner: Cegielnik, Urszula

Filed: 01/15/2004

Art Unit: 3712

Inventor: Omar, Ruupak Nanyamka

Atty Ref.: 0103281 - 0515640

Title: **Novelty Articles for Famous Persons and Method for Making Same**

**INFORMATION DISCLOSURE STATEMENT**

In accordance with 37 CFR 1.97 and 1.98 Applicant herewith submits certain information that the Patent & Trademark Office may wish to consider in examining the above-identified application. The information is listed on the attached PTO/SB/08A and 08B. Copies of the information are also provided. Please treat all information as prior art until it is proved otherwise. No representation is made or intended that a prior art search has been made, that better information is available, or that the information qualifies as prior art or is material to patentability.

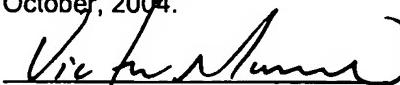
The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 06-2226.

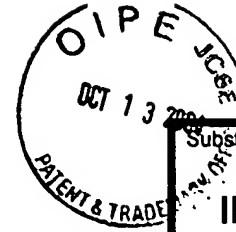
Respectfully Submitted,

  
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**Certificate of Mailing**

The undersigned certifies that this correspondence was deposited with the U.S. Postal Service with sufficient postage as first class mail and addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450," on this 7 day of October, 2004.





PTO/SB/08A and 08B (modified)

**Substitute for Form 1449B/PTC**

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

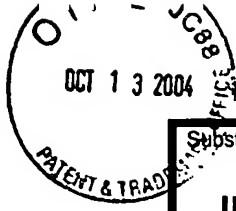
Sheet 1 of 2

Complete if Known	
<b>Application Number</b>	10/758,613
<b>Filing Date</b>	February 9, 2004
<b>First Inventor</b>	Ruupak Omar
<b>Art Unit</b>	3712
<b>Examiner Name</b>	Urszula Cegielnik
<b>Attorney Docket No.</b>	0103281 - 0522371

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	
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OCT 13 2004

PTO/SB/08A and 08B (modified)

Substitute for Form 1449B/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

Sheet 2 of 2

Complete if Known	
<b>Application Number</b>	10/758,613
<b>Filing Date</b>	February 9, 2004
<b>First Inventor</b>	Ruupak Omar
<b>Art Unit</b>	3712
<b>Examiner Name</b>	Urszula Cegielnik
<b>Attorney Docket No.</b>	0103281 - 0522371

#### **OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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